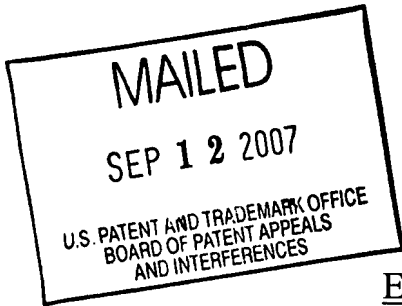


UNITED STATES PATENT AND TRADEMARK OFFICE



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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte JEFFREY E. RICHLIN, DANIEL A. MATRE,  
JAMES M. BUSSE and NELSON J. COBB

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Application No. 10/611,620

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences on June 12, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

An Examiner's Answer was mailed on March 8, 2006. The Evidence Relied Upon section, page 2, states that "No evidence is relied upon by the examiner in the rejection of the claims under appeal." A review of the file reveals that prior art was applied to the Rejections on appeal. See the Grounds of rejection on pages 3-5 of the

Application No. 10/611,620

Examiner's Answer. The Manual of Patent Examining Procedure, (MPEP), in §1207.02 states:

(8) *Evidence Relied Upon*. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and, in the case of nonpatent references, the relevant page or pages.

Before further review, the examiner must mail a PTOL-90 that will include in the amended Evidence Relied Upon section, the list of references mentioned in the statement of rejections. See the Manual of Patent Examining Procedure, (MPEP) § 1207.02.

Also, the Examiner's Answer filed on March 8, 2006, is missing the following heading (11) Related Proceeding(s) Appendix. Appropriate correction is required.

Accordingly, it is

**ORDERED** that the application is returned to the Examiner:

1) issue and mail a PTOL-90 having the missing references listed under the Evidence Relied Upon section, heading (8) and the Related Proceeding(s) Appendix (11) to the Examiner's Answer filed March 8, 2006; and

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3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: *Patrick J. Nolan*  
PATRICK J. NOLAN  
Deputy Chief Appeals Administrator  
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PJN/gjh

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